

AMENDED IN SENATE MARCH 23, 2006

AMENDED IN SENATE MARCH 20, 2006

**SENATE BILL**

**No. 1289**

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**Introduced by Senator Cedillo**

February 14, 2006

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An act to amend Section 11403 of, and to add Section 11403.5 to, the Welfare and Institutions Code, relating to foster ~~children, and making an appropriation therefor.~~ *children.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1289, as amended, Cedillo. Foster children: continuing aid and transitional services.

Existing law provides for programs, such as the Transitional Housing Placement Program and the Supportive Transitional Emancipation Program (STEP), to provide services for foster children making the transition to independent living.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds, with moneys from the General Fund being continuously appropriated to pay for the state's share of AFDC-FC costs. Under existing law, aid is provided to foster children until the age of 18 years, but may be continued after a child's 18th birthday if the child is attending high school or an equivalent vocational or technical program, or is pursuing a high school equivalency certificate, and meets other specified requirements.

This bill would *instead* allow a child who is in foster care and receiving AFDC-FC aid to *continue to* receive aid after 18 years of

age until 21 years of age, if the foster child is either in ~~continuous~~ attendance at ~~an accredited~~ *a high school*, university or community college, or ~~the equivalent level of~~ vocational or technical training program, on a full-time *or part-time* basis, or is ~~continuously~~ employed on a full-time *or part-time* basis, ~~prior to~~ *on* his or her 18th birthday. ~~By expanding the potential class of recipients for aid under the AFDC-FC program, the bill would make an appropriation.~~

Existing law requires the department to develop statewide standards for the Independent Living Program for emancipated foster youth established pursuant to federal law. Under existing law, counties administer the Independent Living Program, and annually report to the State Department of Social Services regarding county implementation of the program.

This bill would require a county independent living program to provide mandatory, monthly, one-on-one consultations for a foster child 14 years of age or older, focusing on specified issues related to the foster child's impending emancipation from foster care. The bill would require that these consultations only be provided to a foster child residing in a group home, with a case plan for permanency placement, until January 1, 2008, *and to foster children in other designated placements on specified dates.* ~~Commencing January 1, 2008, the bill would require these consultations to be provided to any foster child who meets the age requirements specified in the bill.~~

*Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.*

*This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.*

By placing additional responsibilities on counties administering the AFDC-FC program, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote:  $\frac{2}{3}$ -majority. Appropriation: ~~yes~~-no. Fiscal committee:  
yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. The Legislature finds and declares all of the  
2 following:  
3     (a) California requires most youth to emancipate from foster  
4 care at 18 years of age, even though research suggests that most  
5 young people are not fully self-sufficient until 27 years of age.  
6     (b) Fifty percent of individuals in the United States between  
7 18 and 24 years of age live at home with their parents, and that  
8 number increases to 75 percent when looking at young adults at  
9 18 years of age.  
10    (c) In California, 50 percent of former foster youth become  
11 homeless within the first 18 months after emancipation, and 51  
12 percent are unemployed.  
13    (d) Foster youth transitioning to adulthood have great needs  
14 and face significant challenges, including educational deficits,  
15 housing instability, mental health problems, economic insecurity,  
16 victimization, and lack of a support-systems system.  
17    (e) The youth who elect to remain in care voluntarily after the  
18 age of 18 years are generally the most vulnerable youth, who  
19 need the most direction and support. The more motivated youth  
20 often have more control over their lives and often choose to leave  
21 care as soon as possible.  
22    (f) California is the “parent” of all foster youth in the state,  
23 and it is the state’s responsibility to assist foster youth in  
24 attaining the foundation necessary for a successful transition to  
25 adulthood.  
26    (g) The California foster care system encourages youths to  
27 emancipate at 18 years of age, without requiring them to receive  
28 any sort of life skills, tools that are essential to the survival of  
29 any youth.  
30    (h) Research from the Annie E. Casey Foundation suggests  
31 that ensuring that foster youth receive hands on life skills case  
32 management services increases the likelihood of educational  
33 success and reduces the likelihood of negative employment  
34 outcomes.

1 (i) Almost one-half of foster youth who emancipate on their  
2 18th birthday are unable to support themselves without some  
3 form of government assistance. Less than 50 percent are  
4 employed, and 90 percent of those who are employed earn less  
5 than \$10,000 a year.

6 (j) Researchers at the Chapin Hall Center for Children at the  
7 University of Chicago have found that youth who remain in  
8 foster care past their 18th birthday are twice as likely to be  
9 enrolled in a school or training program as those who have been  
10 discharged and over three times as likely to be enrolled in  
11 college, and are less likely to become pregnant or parent a child,  
12 experience economic hardship, or become involved with the  
13 criminal justice system. The Chapin Hall study is at the forefront  
14 of foster care research and is the only longitudinal study that  
15 tracks older foster youth.

16 (k) Extended time in foster care gives youth the opportunity to  
17 make up for educational deficits associated with their  
18 maltreatment history and the school mobility that many of them  
19 experience while in out-of-home care.

20 (l) Once youth become homeless, no social service money is  
21 directed to them. Homeless youth who make their way to shelters  
22 find that these facilities are adult-oriented, making a shelter a  
23 dangerous setting for a young person. In addition, shelters are  
24 often the venue for theft and drug use. Once youth are on the  
25 streets, substance abuse becomes one of the largest problems  
26 they face.

27 (m) People with a foster care history are overrepresented in the  
28 homeless population. Homeless people with a foster care history  
29 are more likely than other people to have their own children in  
30 foster care.

31 (n) Young people who are emancipated from foster care and  
32 become homeless tend to lack the support networks that other  
33 people can rely upon in times of crisis.

34 (o) Washington, D.C., and several states, including New York,  
35 Illinois, Pennsylvania, Ohio, and Oregon currently allow youths  
36 to remain in care beyond 18 years of age.

37 SEC. 2. Section 11403 of the Welfare and Institutions Code is  
38 amended to read:

39 ~~11403. (a) A child who is in foster care and receiving aid~~  
40 ~~pursuant to this chapter and who is attending high school or the~~

~~equivalent level of vocational or technical training on a full-time basis, or who is in the process of pursuing a high school equivalency certificate, prior to his or her 18th birthday, may continue to receive aid following his or her 18th birthday so long as the child continues to reside in foster care placement, remains otherwise eligible for AFDC-FC payments, and continues to attend high school or the equivalent level of vocational or technical training on a full-time basis, or continues to pursue a high school equivalency certificate, and the child may reasonably be expected to complete the educational or training program or to receive a high school equivalency certificate, before his or her 19th birthday. Aid shall be provided to an individual pursuant to this section provided both the individual and the agency responsible for the foster care placement have signed a mutual agreement, if the individual is capable of making an informed agreement, which documents the continued need for out-of-home placement.~~

~~(b)~~

*11403.* A child who is in foster care and receiving aid pursuant to this chapter and who is either in ~~continuous~~ attendance at an ~~accredited~~ *a high school*, university or community college, ~~or the equivalent of vocational or technical training, on a full-time program, or internship, on a full-time or part-time basis,~~ or who is ~~continuously~~ employed on a full-time basis, ~~prior to or part-time basis,~~ on his or her 18th birthday, may continue to receive aid following his or her 18th birthday, until the foster child reaches 21 years of age. In order to be eligible for continued receipt of aid pursuant to this subdivision, the foster child shall continue to reside in foster care placement, and shall remain otherwise eligible for AFDC-FC payments. Aid shall be provided to an individual pursuant to this section ~~provided both the individual and the agency responsible for the foster care placement have signed a mutual agreement, if the individual is capable of making an informed agreement, which documents the continued need for out-of-home placement.~~ *section, provided that the individual has consented to remain in foster care.*

SEC. 3. Section 11403.5 is added to the Welfare and Institutions Code, to read:

11403.5. (a) A county independent living program shall provide mandatory, monthly, one-on-one case management

1 consultations for foster youth 14 years of age and older, pursuant  
2 to this section. These consultations shall focus on high school  
3 graduation, future educational goals, housing options after  
4 release from foster care, vocational and career counseling and  
5 placement, and knowledge of community resources and public  
6 benefits, including those offered through the independent living  
7 program.

8 (b) Until January 1, 2008, the consultations required pursuant  
9 to subdivision (a) shall only be required for a foster child residing  
10 in a group home whose case plan is for permanency placement  
11 rather than reunification. Commencing January 2, 2008, these  
12 consultations shall *also* be mandatory for ~~any~~ a foster child 14  
13 years of age and older *who is placed with a nonrelative in a*  
14 *permanent placement. Commencing June 1, 2008, these*  
15 *consultations shall also be mandatory for a foster child 14 years*  
16 *of age and older who is placed with a nonrelative or in a*  
17 *permanent placement with a relative. Commencing January 1,*  
18 *2009, these consultations shall also be mandatory for a foster*  
19 *child 14 years of age and older who is in any out-of-home*  
20 *placement.*

21 *SEC. 4. No appropriation pursuant to Section 15200 shall be*  
22 *made for the purpose of implementing this act.*

23 ~~SEC. 4.~~

24 *SEC. 5. If the Commission on State Mandates determines that*  
25 *this act contains costs mandated by the state, reimbursement to*  
26 *local agencies and school districts for those costs shall be made*  
27 *pursuant to Part 7 (commencing with Section 17500) of Division*  
28 *4 of Title 2 of the Government Code.*